

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MADISON ARDGALL,

Plaintiff,

v.

CITY OF SAUSALITO, et al.,

Defendants.

Case No. [22-cv-04722-EMC](#)

**ORDER GRANTING PLAINTIFF'S  
APPLICATION TO PROCEED *IN*  
*FORMA PAUPERIS*, AND DENYING  
PLAINTIFF'S MOTION FOR A  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

Docket Nos. 2-3

Currently pending before the Court is Ms. Ardgall's application to proceed *in forma pauperis* and her motion for a temporary restraining order ("TRO") and preliminary injunction.

The Court has reviewed Ms. Ardgall's financial affidavit. Based on that affidavit, it **GRANTS** her application to proceed *in forma pauperis*. Furthermore, because Ms. Ardgall has raised a claim implicating *Martin v. Boise*, 920 F.3d 584 (9th Cir. 2019), the Court orders the U.S. Marshals Office to serve her summons and complaint on Defendants.

Turning to Ms. Ardgall's motion for a TRO and a preliminary injunction, the Court denies the request for relief but without prejudice. The Court is not unsympathetic to Ms. Ardgall's situation. She appears to have health problems, including a bad leg. However, Ms. Ardgall does not have a constitutional claim simply because Defendants did not provide her housing or help finding housing. To the extent Ms. Ardgall is concerned that she will be arrested for unlawful daytime or overnight camping pursuant to Resolution No. 6009, the Court notes that she has not been arrested nor does there appear to be any threat that she will be arrested.

That being said, the City and its agents should be mindful of the holding in *Martin v. Boise* – *i.e.*, "an ordinance violates the Eighth Amendment insofar as it imposes criminal sanctions

1 against homeless individuals for sleeping outdoors, on public property, when no alternative shelter  
2 is available to them.” *Id.* at 604.

3 For the foregoing reasons, the Court **DENIES** the motion for a temporary restraining order  
4 and preliminary injunction, but without prejudice.

5 This order disposes of Docket Nos. 2 and 3.

6  
7 **IT IS SO ORDERED.**

8  
9 Dated: August 23, 2022

10  
11 

12 EDWARD M. CHEN  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28